IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A	pplication of:)	
		:	Examiner: L. Nguyen
KAZU	HIRO MATSUBAYASHI)	
		:	Group Art Unit: 2174
Applic	ation No.: 10/726,709)	
		:	Confirmation No. 7048
Filed:	December 4, 2003)	
		:	
For:	SWITCHING DISPLAY OF)	
	DIGITAL BROADCAST DATA	:	
	IN A MARKUP LANGUAGE)	January 14, 2009

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-145

> PETITION TO WITHDRAW ABANDONMENT DUE TO NON-RECEIPT OF OFFICE ACTION AND REOUEST FOR RE-MAILING OF OFFICE ACTION

Sir:

Applicant has received a Notice of Abandonment dated November 14, 2008 indicating that the above application became abandoned because no response has been filed to an Office Action allegedly mailed by the Patent Office on April 21, 2008. For the reasons that follow, Applicant requests that the Notice of Abandonment be withdrawn and that the Office Action be re-mailed.

The Notice indicates that an Office Action was mailed by the Office on April 21, 2008. However, the foregoing Office Action was not received by Applicant's attorneys. As per Applicant's attorneys usual firm procedure for Patent Office correspondence in which a response is due, had the Office Action been received, it would

have been docketed on the firm's Master Docket computer program with a response due date of July 21, 2008, as well as in the firm's Master Docket book with a six month final due date of October 21, 2008. The firm's Master Docket computer program is part of a computer program supplied by Computer Patent Annuities (CPA) and in particular, the firm utilizes CPA's CPA Improtech program to manage its docket of due dates for Patent Office responses. This system was sufficiently reliable, and as evidence thereof, a copy of a printout for Applicant's attorneys' Master Docket program for July 21, 2008, where a three-month response to the Office Action would have been entered had the Office Action been received, is attached herewith. See MPEP 711.03(c)(T)(A). Also attached is a photocopy of the firm's Master Docket book for October 21, 2008 where the six month final due date would have been entered for the April 21, 2008 Office Action if it would have been received.

In view of the foregoing, Applicant requests that the holding of abandonment be withdrawn and that the April 21, 2008 Office Action be re-mailed. While it is believed that no fee is necessary for this Petition, should a fee be required, the Director is hereby authorized to charge any such fee to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Costa Mesa,

California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Edward Kmett/

Edward A. Kmett Attorney for Applicant Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO 30 Rockefeller Plaza New York, New York 10112-3800 Facsimile: (212) 218-2200

FCHS WS 2773285v1

The first continued The first continued	me 1	Man	-	med 1940 , SOK 7/21/53.			۶	- JAS - 3-18- 65	
National	6933.		2		ģ		7		
Remarks 72212008 72212008 72212008 72212008 72212008 72212008 72212008 72212008 72212008		03/00348 FILED	pher M. 011703; IPT 0 5 cc	12208 - Inquiry	h Office Action re: Amend; II	PT 012508 - die	sregard err tra	ansmission;	
Remarks 1.53B DIV - 1	1090-33	Berschadsky, Jo	nathan 0	Notice	To File Correc	ted App Papers	S Due 72	2/114402	
1212008 + 6356001	03500.017001.1 CX Ci.	25.00.01.7001.1 C. Cite, Frank L. FINAL 3 month confices Action-2 month centeris 14160577 18101.2 BDIV-PAR TO ISSUE;	200	Paner A	3 month Offic	e Action-2 mon	A Calculation of the Calculation	######################################	3
Remarks FLOPPY RE	7105 CD W/APPL)	Cire, Frank L.	Y Y Y	1 22		- REC		0/383622	¥110x
200550 035004577	7 12 7	3	بر هیگر	2 2	To File Correct	FCC 7	11118	2/105183	
Remarks Pict Amen't puter to the though (Recieved typis)	mel	+ 74.	* E	26,	r Tr	1/c	19 (R	Lecreva	14,000
Remarks FLOPPY RCI	7642 D W/APPLN;	03500.017642 Circ, Frank I FLOPPY RCD W/APPLN; IPT 061908 - RCE W/AMEND;	E W/AMEND;		3 month Office	EDMAL 3 month Office Action I month extensi 10/679335	ath extensi	0/679335	
721/2008 03500.10 Remarks FLOPPY RC	0131. B W/APPLN	1 March 4 1014	3	2 2	h Office Action	1/8 I mouth exten	Ision 10	10/784990	_
03500.5	6 Nr 1 C.	16 Wr 1 C DeLucia, Frank A.	8. 7. 8.	3 mont	L T T I Office Action	3 month Office Action 2 month extension 193537	Sign Y	13857 13857 143657	
Kemarks rioppy recd w/appm;	«appin;								

Print: 1/9/2 Due Date	Due Date Docket Number	Attorney	Action		Application No
7/21/2008	NC: (20 %)	VC CS & 2. 268 00862.023421, Diana Leonard P.]	EDNAI 3 month Office Action, I month actent, 10/764579	i 10/764579
Remarks	FLOPPY RCD W/APPLN;	LN;			
	/ home 1 +	la xum	Print of a sty a trained	81171	
Remarks	FD RECD W/APPLN; IPT 062308 - INSTR;	—03500.017343, Diana, Leonard P. (D RECD W/APPLN; IPT 062308 - INSTR;	3 month Office A	3 month Office Action I month extension	-+0/601679
9	+	1.4 x 4-1	July + 124 x 4-1 20 2 July + July	8/10/1	
Remarks	IPT 012808 - NO DIV; IPT 062008 - INSTR;	PT 062008 - INSTR;		btion 1 month extension	-10/579515
0000	Comiro	J& - 17	Commed - Sefin 7/28/16 m UP 2/7/19/19	m con a	712114
Remarks	700000 700000	Usabat Laudoz. Diana, Leonard P.	Canque Due		
	Penind	2/30 -	Peninds - 8x1/2 8/21/28 × 5/2 401/8.	16x 87 x	8
7/21/2008 Remarks	(LSY) decl w/surcharge due;	due;	Notice to File Mis	sing Parts initial deadline	-12/109926
	. ~	6 202 0	to tos due na 054/09 Hella	7/0G HE	18
8002127	00684.150270.	Glueck, Daniel S.	IDS Due + 1 Mon	th,	11/965200
Remarks	ids recd w/appln;	8/3/19	8/2118 m Dia/09 712/19	712119	JAN SHE
7/21/2008 Remarks	## ## ## ## ## ## ## ## ## ## ## ## ##	### OFF A. IDS RCD W/APLN; 1ST RCE FILED 012105;	2105; f month Office Ac	(10/042231
7/21/2008	03500.114909.	Gluek, Daniel S.	Priority documents still required	s still required	12/106727
Remarks	decl w/surcharge due; II	decl w/surcharge due; IPT 043608/970708 - re: ids;			

	Application No
7 7 7 6 W > 1/2 / 1/2 / 1/2 / 1/2 / 1/2 / 1/2 / 1/2 / 1/2 / 2/2/2,1012/0.	10/378462
Remarks M. New Cent + . 8.67	
03762 011500 1	08/377814
Notice to the state of the stat	
7/24/2008 03762.011500.1 Holowacz, Elizabeth F. Tax. 11.5	08/3778 14
March by Ets on SAR HOTTON	Jan-11-11-1
7/21/2008 - 00862.022909. Kmett, Edward A - 3 month Office Action initial deadline Bannale	10/373041
Parab. Aft Plead Upolog	
77212108 0108C2 023608 Kmett Edward A FRML 3 useath Office Action initial dendina 10/860126 Remarks # FLOPPY & ASS RCD W/APLN: amend af filed 062008:	10/860126
Did were him	
7/21/2008 00684.153492 Krause, John A. I. Notice to File Missing Purts initial deadline Remarks decl wisurglange due; IPT 052708 - DECL.;	12/115852
	17 - 31 F A
721/2008 03500 135698. Kraftse, John A. Final 3 month Office Action initial deadline 11537101	ine 11/537401
Mars hay by a la Halla.	
7/24/2008 1 00169-121360 Malpede, Scott D Smonth Office Action initial deadline	97.9951/11

Print: 7/9/2	Print: 7/9/2008 2:41:11 P			Page 58
Due Date	Docket Number	Ацошеу	Action	Application No
7/21/2008 Remarks	00862.023406. FLOPPY RCD W/APLN;	00862.023406. Malpedor Scott D. FLOPPY RCD W/APLN; FEDX 982604 - 2 PDOCS	Priority documents still required	10/760318
V21/2008 Remarks	NT B. 2 3. 2. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3.	68 Malpede, Scott D.	3 month Office Action initial deadline	11/128366
7/21/2008 Remarks	1	Malpede, Scott D. 7	DH. 000130, Malecke, Scott D. H. J. M. H.	JO 7 16. IN
7/21/2008 Remarks	02910.153482.	Malpedy Scott D.	Priority documents still required	12/106713
7/21/2008 Remarks	03-00.015419 FLOPPY RECD W/APPLN;	Malpede, Scott D.	3 month Office Action initial deadline	TP-1 9 21 - 124.
7/21/2008 Remarks	03500.017938 (PPH) PLOPPY RCD W//	Malpede, Scott D. APPLN; IPT 062607 - Letter	03500.012938 Malpede, Scott D. Drawings Correction Due (1979) 54.0PPV RCD WAPPLIN; IPT 052607 - Letter re. Translated refs. 2 1.53b divs filed 030508; IPT 052008 - INSTR;	10/790738 2008 - INSTR;
7/31/2008 Remarks	03500.017938 (PPH) FLOPPY RCD W//	All of 11 of Maleral Maleral APPLN; IPT 062607 - Letter	CX, T. C. O. T. C. I. C. M. C.	10/790738 2008 - INSTR;
7/21/2008 Remarks	00025.015800.	Mandan, Raymond R.	Priority documents still required	10/276623

Due Date Docket Number Attorney Action Action Application No Action Application No Action Application No Action Application No Action Action Application No Action	Print: 7/9/.	Print: 7/9/2008 2:41:11 P			Page 59
decl w/surcharge due; Mandra, Rymond R. OZ280.003950.PEES PER RRM 072104; Country of Origin - USA 02280.003950.PEE Mandra, Rymond R. Notification of the international application number and of the internal Notification of the international application or designations. OZS80.003951.PC Notification concerning availability of the publication of the international application of the international application of designations. Notification concerning availability of the publication of the international application of the international designation concerning availability of the publication of the international application of the international designation concerning availability of the publication of the international designation of designation	Due Date	Docket Number	Attorney	Action	Application No
CLI HNDLS M-FEES PER RRM 072104; Country of Origin - USA CLI HNDLS M-FEES PER RRM 072104; Country of Origin - USA C2280.00395.0.PC Mandle Reymond R. Notification of the international application are designations. Notification of witdrwal of international application are designations. Outside of the international application of the signations. Notification of the international application concerning availability of the publication of the international application of application and applicational applicational application application applicational applicat	7/21/2008 Remarks	01702.404100. decl w/surcharge due;	Mandra Raymond R.		12/094448
Notification of the international application number and of the intern Notification of the international application number and of the international application of designations. Notification of windrawl of international application of designations. O2280.003951.PC Manage, Raymond R. Notification concerning availability of the publication of the international parameters of the international parameters of the international parameters of the international parameters of the internation of the internati	7/ 21/2 008 Remarks	1	Mandra, Raymond R	ign - USA LastUpdate - 10-25-2004	08/469112
Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification concerning availability of the publication of the internate Notification of Notificati	7/21/2008 Remarks	02280.003950.PC Notification of the inter Notification of witdrwal	Mande, Raymond R. national application number and o	Rec'd copy of published patent specificat fine international filing date dated 6/13/07, docketit signations dated 8/29/07, docketing received 9/13/07.	ion - R PCT/US07/08360 ig received 6/20/07; 7;
O2280.013970.PC Mee. Vendan S. Norification concerning availability of the publication of the internat Norification concerning availability of the publication of the internat Norification concerning availability of the	7/21/2008 Remarks 7/21/2008	02280,003951.PC Notificatin concerning 02911,004900.	Mandy Raymond R. availability of the publication of ti f h M G , Mandri Raymond R. N) (NO DWGS)	Rec'd copy of published patent specification application dated 1227101, dockett C.R. F. F. M. I G. F.	ion - R PCT/US07/71750 1g received 1/16/08; dine 1/078300
619971030500. Molecula, Victoria S. 3 month Office Astion initial deadline (RRA) (BASED ON PVL APPLN) (COMB W/199730500)	7/21/2008 Remarks	02280.003970.PC Notification concerning Notification concerning	Mec. Prendan S. availability of the publication of the availability of the publication of	Rec'd copy of published patent specificat international application dated 12/27/07, docketing to international application dated 2/14/08, docketing the property of the published and a polication of the published and a published an	ion - R. PCT/US07/71751 greceived 1/16/08; greceived 3/1/08;
	Remarks	(RRM) (BASED ON PV	Molenda, Victoria S. T. APPLN) (COMB W/1997,3056	3 month Office Action initial deadline	11/109157

Page 6	Application No		2 month Office Action 2 month extension +1/353161	Recd copy of published patent specification - R US04/08833	e-Action-2 month extension 107198380 to remind & pay m-fees;	15 15 15 15 15 15 15 15 15 15 15 15 15 1	nith extension 11/426693	FINAL 3 month Office Action initial deadline — 14/410119 comments:
Action	Drawings Correction Due			Rec'd copy of	r JPP email 100305 - we are	356 L 2 Advisory with 905;	8.21.03	1008 - Send comments;
Attorney	Molecula Victorias	Copy M. Kamenesky) (04-Apr.2008) RRM/JBASED ON PVL APPLN) (RELATED TO 1997.39302)	——————————————————————————————————————	01997.043200.PC Molerlyse Victoria S. Re	01997.03300. Molecula, Victoria per IPP email 100305 - we are to remind & pay m-fees;	Orbeil, Mchael K. N. FILING DUB BEFORE 112	10040031455;Perry; Lavrence SAppeal - 1 month extension PAX 1/2 - 1/2 - 1/3	2008 02.139.000032.1 Perty, Lawrence S. rks 1.538.CONT - PAR. ABAND (NO DWGS); FAX 070108 - Send comments;
Print: 7/9/2008 2:41:11 P		REM) (BASED ON PVL APPLIN) (REM) (RASED ON PVL APPLIN) (REM)		01997.043200.PC	01997.043500. per JPP email 091905 - n	03670,002476. CY-4. Meil, Meil, Reminder, Foreign Filling Due Bi		1.53B CONT - PAR AB N - M - W 0445.8062066
Print : 7/9/20	721/2008	Remarks 2	7 /21/2008 Remarks	7/21/2008 Remarks	7/21/2008 Remarks	721/2008 Remarks	7/21/2008 Remarks	712172008 Remarks 712172008

MASTER DOCKET - From 071608 to 080508 Doges Jamber Augment 1 10 14 150	11689322 146817. Red Kurplin: 15	
imber Aufor List. Reda INTERVIEW; IPT	Remarks dis reed wingshi; Reed/Remiter A. Priority doc Remarks dis reed wingshi; QC In L. FI FI CB C	
Print: 79/2008 2-41:11 P Due Due Due TOLIZORA (A) Remarks IPT (10:008- 1-21-2008- Remarks (A C. C. 1-21-2008- Remarks (A C. C. 1-21-2008- Remarks (A) Remarks (A)	121/2008 0 124/2008 0 124/2008 0 174/2008 0 177/	

Due Date	Due Date Docket Number	Attorney			
7/21 /2008 Remarks	03560.1398[2]	Madnais, Damond E.	o 7/2/19 3 month Office Action initial deadling	1000 - 1100 - 1000 C	
7/21/2008 Remarks	02280.003960.PC Notification concerning av Notification concerning av	Vathy M., Suja vailability Of the publication of the i vailability of the publication of the i	02280.003960.PC VarhyM. Suja Rocd copy of published patent specification - R PCT/US07/1165 Notification concerning availability of the publication of the international application dated 12/27/07, docteting received 1/16/08; Notification concerning availability of the publication of the international application dated 27/08, docketing received 2/22/08;	ication - R PCT/US07/71765 reting received 1/16/08; ing received 2/22/08;	
7/21/2008 Remarks	00684.140913. Wapriety, Will decl w/surcharge due; IPT 050708 - DECL;	Waphkey, William M. 050708 - DECL;	Priority documents still required	12/106692	
7/21/2008 Remarks	1/2008 03585.000101. Wa	Wannsky, William M. NETECH INC.) FLOPPY RCD W//	03585.000101. Wannko, William M. Priority documents still required (ASSIGNEE-CANON PINETECH INC.) FLOPPY RCD W/APLN; PTA-556; PAX 070508 - PAY FEB;	11/083933	
7/21/2008 Remarks	00862.102553.2	Warner, Stewen E.		ion 11/735036	
7/24/2008 Remarks	00862.023505 FLOPPY RCD W/APLN;	Williamson, Mark'A.	> 1-8 1-4	الله دور يمل عنها المناه الماح الما	Ž
7/21/2008 Remarks	00862.103364. William FLOPPY RCD W/APLN; PTA=739.	Williamson, Mark A.; PTA=739,	Priority documents still required	10/944761	
121/2008 Remarks	7 M(c, 1) 112 5112 ids received with application	Va (cf Ab)(cf 2) VI Chines A Corned 2 (2020) 12/2008 0086213512 Williamson, Mark A. consults ids received with application; PTA=208, IPT 052108 - PAY FEE.	ŕň	Issue Publication Fees due Stad of Altero, who En n	2
				la + 13119.	

			COMMENT OF THE PARTY OF THE PAR	
Print: 7/9/2	Print: 7/9/2008 2:41:11 P			Page 63
Due Date	Due Date Docket Number Attorney	Attorney	Action	Application No
7/21/2008	7/21/2008 00025.004600.	Zupcic/Anthony M.	Priority documents still required	08/347210
Remarks	NNK/LSP) FWC OF 0	17/839785 OF 04 1092: PROS SUB	Remarks ONK/LSP) FWC OF 07/839785 6F 04 1092: PROS SUSPENDED 112398 Committy of Origin - UNIKN Last Indate - 09-28-2004	f Indate - 09-28-2004

ATTORNEY	SERIAL NUMBER	INVENTOR	NATURE OF RESPONSE DUE
Ou	02560 12ady	111111	yar yelsing
100	11/787,673	Kasail	1 1 1 19 19 19 19 19 19 19 19 19 19 19 1
DC-	CHEON WILLIAM	Marianon !	GRESTA AND NO DISTRICT
	01948-1003060	Vicano II	
- 1/k	04762.618766.	10001	TORIGHTOS IN Y ISU
AC.	04362.018160.	Rerain	Thing, grifings
	0139 000 391	Notice Can bear	IT HAT OUT NEWS . I GET
1-14	Chicox Ozxis		FMIL 5-196 W
(1Z	11084 18	Varada.	It is diapho Klaus
- JIV.	(m/100) 13 0/608	1 Tunkas	(She) 213 E11201
	190867 m 2904	Lallin ges	n EAK FIBIUS
EIK.	01 245, 041	Oran esta	- EAR HISTOR
α	11 269, 600	1000	65 0 MON (000
1 8	7/911064900	W.C. Lett	Talyt Can Blue
	00169 11 144	1701 Soppeaul	1 6 mos ever mail
	00169 11641	A Tree in	112 490 4 P40 31 2
Jac.	6,108.001934.	4.6.1.1.120	nd halp 1 7/2
Υ	OKOO NICUO	VCIVARIA"	COLO INDO
, m			167/16
	(m) 91 (m) x0.	111.66 -	G 3/EINE
Dilit.		Tuvile Mice	The state of the s
6.11	CH500 BY6 935	W B Can	San Jague
Chibin	XY6CON THY	THOMAS.	Dec Stations
- Dev	10/200,093	Jakaho shi	Meg Pilling
16	all delle	177	
/ EAK.	0 860196	/timaga	SKA Supposed 17 - de
/ Marker	G199 P 010 100	241 CORVE	TO COMPLETE
AVIC.	Town at 10 st	ul h (A)	BASM CILL
CILI /PO	01862.09688	TUOVY	STOP VAD.
Con		A of the	La Company of the Company
50	00169 19 1360	a de laso	Les HILL
Sou	7116,80%	omin/	
1 100	7726 BIO44 PC	Keletin	
100	10300 102317	T WITE BY CITCH	MINE IT ENGRICE OF
0.1		0	11 550
MPM /A	01873.00075.14		ten puddy. FAD
17	W1241 88677	JOHNEK TECH	HA I I MANAGONIA

				OCT 21 2008
	ATTORNEY	SERIAL NUMBER	INVENTOR	NATURE OF RESPONSE DU
	A A	02713.008005	THE FERSON	M. T DE CONTO HENRE D.
7	X A	027/3.008004	MYLIFE	A CONCENTRATION OF
	· W	03866.600900	THE FELDY	55H & 1 10/16/12
440	ruc Est	NA62 112-600	1	The Court of
47		01967/013100	A Litt	000000000000000000000000000000000000000
nuonej.	√3×1.		DOMESTIC NO. 1	VICTOR STREET
7	S (1)	Mark Strate	to the state of	1 5 M 6 1 7 8 M
	- City	VI910. 11.976	300000	Experience + 100 at 184
		00192.101010	17/4	in the first of s
	Pay	13 2 107500	Korne Ex City	11 3 Rich
	(6)	CASSES. 109062.	00000000	Jane to the terro
4		100 AUS 51-5	Deliant	COM NOS 'S GEN.
14	Cue	A 100 103160	OGene	BUSTUMO CITY
		Contest Course		Can I complete
	1 (M) (M)	04169 119 167 1	MAGRICAT	GOF CH MILES
	CHA.	111 081, 248	Ja.	Theke Kitch FULL
	- centre	11/455,017	W CRT 1	10/03/OLINE DE
	/h	Maio, 119 747.1	litet donte	10 the 100 8/6/1
- 1	-55	11.07	(1/2/2)	elex land
June	Fu.	कुछक्त जिल्ला	West With	4. 4 15 Fregitis
	Y 010	01938. 146.	mulk to uch	Meds de la sono
	100	0762 07215	a Dec	d. proceeds 114
	e UV	10/21/28	13/10/12	1113161 11 11 10 10 10 10
		1010-105700	Mijala	Day due + dx
	45	0419 17, 100600 N	1-9-1	VILLED T BICODY TOX
		202 2020	4	ACTION OF THE PROPERTY OF THE
		1	7	7000
		-	t a la company	
	-	+	y y un u	140 101 20C